

OCT 19 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMSHID RAHRO,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-72675

Agency No. A75-521-327

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 11, 2005^{**}

Before: HALL, T.G. NELSON and TALLMAN, Circuit Judges.

Jamshid Rahro, a native and citizen of Iran, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings in order to adjust his status based on marriage to a United

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

States citizen, and to re-apply for asylum based on changed circumstances. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Konstantinova v. INS*, 195 F.3d 528, 529 (9th Cir. 1999), and we deny the petition for review.

The BIA did not abuse its discretion by denying Rahro's motion to reopen as untimely. Rahro filed his motion months after the 90-day filing deadline. *See* 8 C.F.R. § 1003.2(c)(2) (stating that a motion to reopen "must be filed no later than 90 days after the date on which the final administrative decision was rendered"). The motion did not, as Rahro contends, fall within the exception to the deadline found at 8 C.F.R. § 1003.2(c)(3)(ii), because Rahro did not demonstrate changed circumstances in Iran that were material to his asylum claim. *See Konstantinova*, 195 F.3d at 530 (affirming denial of motion to reopen where new evidence offered was too general to establish a well-founded fear of persecution).

PETITION FOR REVIEW DENIED.